

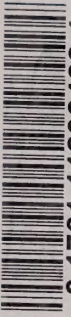
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MS-0428

REGULATION MADE UNDER THE ENVIRONMENTAL PROTECTION ACT

RECYCLING AND COMPOSTING OF MUNICIPAL WASTE

PART I

GENERAL

1.-(1) In this Regulation,

"blue box waste" means municipal waste that consists solely of waste in one or more of the categories set out in Schedule 1;

"leaf and yard waste" includes waste consisting of natural Christmas trees and other plant materials;

"Northern Ontario" means the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming and the Regional Municipality of Sudbury;

"Southern Ontario" means the parts of Ontario other than Northern Ontario.

(2) The definition of "municipal waste" in Regulation 347 of the Revised Regulations of Ontario, 1990 applies to this Regulation.

2.-(1) If a local municipality is within another municipality, that other municipality shall co-operate with the local municipality as necessary to enable the local municipality to fulfil any obligations it may have under this Regulation.

(2) If a local municipality is within another municipality and the local municipality lacks the capacity to fulfil its obligations, or any part of its obligations, under this Regulation, that other municipality shall do whatever it has the capacity to do to enable the local municipality to fulfil its obligations.

3. A person who is required under this Regulation to submit a report to the Director shall prepare the report on a form provided by the Ministry or in the same format as such a form.

4.-(1) The standards, procedures and requirements set out in this Regulation do not apply to the extent that terms and conditions set out in a certificate of approval or a provisional certificate of approval issued under section 39 of the Act impose different standards, procedures or requirements.

(2) Subsection (1) applies only with respect to,

- (a) a certificate of approval issued after this Regulation comes into force; and
- (b) terms and conditions of a certificate of approval added to the certificate of approval after this Regulation comes into force.

5.-(1) The following waste disposal sites are exempt from Part V of the Act and this Regulation other than subsection (2):

- 1. A waste disposal site that, but for the exemption in this section, would be a municipal waste recycling site to which Part IV applies and that is located at a manufacturing establishment that uses all the output, other than residues, of the site.
- 2. A waste disposal site that, but for the exemption in this section, would be a municipal waste recycling depot to which Part III applies and that has a total waste storage capacity of less than 200 cubic metres.

(2) Each operator and owner of a site referred to in paragraph 2 of subsection (1) shall ensure that all the waste at the site is removed at least every thirty days.

6.-(1) A waste management system is exempt from sections 27 and 41 of the Act if the system's only function is to collect or accept waste described in subsection (2) and transport it to a municipal waste recycling site as defined in Part IV.

(2) The waste referred to in subsection (1) is waste that consists solely of waste from one or more of the categories set out in Schedule 1 or 2 and that either,

- (a) has been separated from other kinds of waste at the source of the waste; or
- (b) comes from a waste disposal site.

PART II

SYSTEMS REQUIRED IN MUNICIPALITIES

Blue box waste management systems

7.-(1) A local municipality that has a population of at least 5,000 shall establish, operate and maintain a blue box waste management system if the municipality is served by a waste management system owned by or operated by or for the municipality that collects municipal waste or accepts such waste from the public at a waste disposal site.

(2) The blue box waste management system must include,

- (a) if the waste management system that serves the municipality collects municipal waste directly from the sources of the waste, the collection, directly from those sources, of the source separated blue box waste described in subsection (3);
- (b) the acceptance, wherever municipal waste is accepted from the public, of the source separated blue box waste described in subsection (3);
- (c) measures to ensure that only blue box waste or waste set out in Schedule 2 is collected or accepted;
- (d) the transportation of the waste that is collected or accepted to a municipal waste recycling site as defined in Part IV, to a user of the waste, to a distributor who distributes such waste to users, or to a waste disposal site;
- (e) the provision of a municipal waste recycling site as defined in Part IV or the services of such a site to process all the categories of waste collected or accepted;
- (f) reasonable efforts to ensure that the waste collected or accepted is processed and used;
- (g) the provision of information to users and potential users of the blue box waste management system,
 - (i) describing the performance of the system,
 - (ii) encouraging effective source separation of blue box waste and full use of the blue box waste management system.

(3) The source separated blue box waste referred to in clauses (2) (a) and (b) is blue box waste that has been source separated from other kinds of waste and that consists solely of waste from one or more of the following categories:

1. The categories of basic blue box waste set out in Schedule 1.
2. The categories of supplementary blue box waste set out in Schedule 1 that the blue box waste management system collects or accepts.

(4) The blue box waste management system must collect or accept at least two categories of supplementary blue box waste set out in Schedule 1.

(5) The frequency of the collection of source separated blue box waste required under clause (2) (a) must be at least half the frequency at which municipal waste is collected directly from the sources of the waste.

(6) The blue box waste management system must be adequate to deal with the anticipated blue box waste and waste set out in Schedule 2.

(7) The blue box waste management system must include the provision of adequate containers for the acceptance of source separated blue box waste required under clause (2) (b).

7.1 - (1) Clause 7(2) (a) does not apply to a local municipality in Northern Ontario that has a population of less than 15,000 if the municipality's blue box waste management system includes the collection or acceptance of the source separated blue box waste described in subsection 7(3) in a manner that is reasonably convenient to the generators of such waste in the municipality.

(2) This section does not apply to a municipality that had a population of at least 5,000 on the 1st day of July, 1995 unless the municipality has, continuously since that day, had a blue box waste management system,

- (a) that included the collection or acceptance of the source separated blue box waste described in subsection 7(3) in a manner that is reasonably convenient to the generators of such waste in the municipality; and
- (b) that complied with the requirements in section 7 other than clause 7(2) (a).

8.-(1) A municipality that is required to establish a blue box waste management system shall do so forthwith subject to subsections (2) and (3).

(2) A municipality in Southern Ontario is not required to establish a system before the 1st day of July, 1994.

(3) A municipality in Northern Ontario is not required to establish a system before the 1st day of July, 1996.

9.-(1) A municipality that is required to establish a blue box waste management system shall submit an annual report on the operation of the system to the Director on or before the 1st day of February in every year.

(2) The annual report must set out the name of the municipality and the type and amount of wastes that were collected or accepted in the previous calendar year and a description of the information provided that year in accordance with clause 7(2)(g).

Leaf and yard waste systems

10.-(1) A local municipality that has a population of at least 5,000 shall establish, operate and maintain a leaf and yard waste system.

(2) The leaf and yard waste system must include,

- (a) the provision of home composters to residents by the municipality at cost or less;
- (b) the provision of information to residents,
 - (i) publicizing the availability of home composters,
 - (ii) explaining the proper installation and use of home composters and the use of compost,
 - (iii) encouraging home composting.

11. The leaf and yard waste system of a local municipality that has a population of at least 50,000 must include the collection or acceptance of leaf and yard waste in a manner that is reasonably convenient to the generators of leaf and yard waste in the municipality.

12.-(1) This section applies to the leaf and yard waste system of a local municipality required under this Part if,

- (a) the municipality has a population of at least 50,000; or
- (b) the municipality is served by a waste management system owned by or operated by or for the municipality that collects source separated leaf and yard waste or accepts such waste from the public at a waste disposal site.

(2) A leaf and yard waste system to which this section applies must also include,

- (a) the transportation of collected or accepted leaf and yard waste not used in accordance with clause (4) (b) or (c) to a leaf and yard waste composting site as defined in Part V;
- (b) the provision of a leaf and yard waste composting site as defined in Part V or the provision of the services of such a site;
- (c) the provision of information to promote effective source separation of leaf and yard waste and to promote the full use of the composting system;
- (d) reasonable efforts to ensure that the compost produced is used as a soil conditioner.

(3) A leaf and yard waste system to which this section applies must be adequate to deal with the anticipated leaf and yard waste.

(4) A leaf and yard waste system to which this section applies must include measures to ensure that the leaf and yard waste accepted by the system is either,

- (a) composted at a leaf and yard waste composting site as defined in Part V or at another site where the waste can be legally composted;
- (b) applied directly to land by the operator of the system; or
- (c) transported to a person who will directly apply the waste to land.

13.-(1) A municipality that is required to establish a leaf and yard waste system shall do so forthwith subject to subsections (2) and (3).

(2) A municipality in Southern Ontario is not required to establish a system before the 1st of July, 1994.

(3) A municipality in Northern Ontario is not required to establish a system before the 1st day of July, 1995.

14.-(1) A municipality that is required to establish a leaf and yard waste system shall submit an annual report on the operation of the system to the Director on or before the 1st day of February in every year.

(2) The annual report must set out the name of the municipality, its population and the name and telephone number of a person who can answer questions about the report.

(3) The annual report must also set out the following information relating to the operation of the system in the previous calendar year:

1. Any rules the municipality followed in providing home composters to residents.
2. The number of home composters provided to residents in accordance with clause 10(2)(a).
3. A description of the information provided to residents in accordance with clause 10(2)(b).

(4) If section 12 applies with respect to the leaf and yard waste system, the annual report must also set out the following information:

1. The amount of leaf and yard waste that was accepted or collected.
2. The amount of leaf and yard waste that was transported for composting.
3. The amount of leaf and yard waste that was directly applied to land or that was transported for direct application to land.
4. A description of the information provided in accordance with clause 12(2)(c).

Exemptions

15.-(1) A system required under this Part is exempt from sections 27 and 41 of the Act.

(2) The exemption in subsection (1) applies only to the parts of the system that are necessary to comply with this Regulation and any parts of the system that are ancillary to such parts.

PART III

MUNICIPAL WASTE RECYCLING DEPOTS

16. This Part applies to a waste disposal site whose only function is to be used to accept waste that consists solely of waste from one or more of the categories set out in Schedule 1 or 2 and that has been source separated from other kinds of waste and to transfer the waste, without processing, for recycling.

17. In this Part, "municipal waste recycling depot" means a waste disposal site to which this Part applies.

18. Each operator and owner of a municipal waste recycling depot shall ensure that the depot is operated in accordance with the following requirements:

1. No waste may be accepted at the depot unless it is waste that consists solely of waste from one or more of the categories set out in Schedule 1 or 2 and the waste has been separated from other kinds of waste at the source of the waste.
2. The depot shall have sufficient containers for the waste that can be reasonably anticipated.
3. The waste accepted at the depot shall be placed in containers.
4. Waste accepted at the depot may not be removed except for direct shipment to,
 - i. a user of the waste,
 - ii. a distributor who distributes the waste to users,
 - iii. a municipal waste recycling site as defined in Part IV, or
 - iv. a waste disposal site.
5. Reasonable precautions shall be taken to ensure that waste is not removed from the depot except for transfer in accordance with paragraph 4.
6. Signs shall be posted in prominent locations at the depot setting out the hours of operation of the depot, the name of the owner of the depot and the name and telephone number of a person to contact in an emergency.

7. Signs shall be posted in prominent locations at the depot setting out the categories of waste that will be accepted at the depot and any rules that relate to the acceptance of such waste or the use of the depot.
8. Only the categories of waste set out on the signs required under paragraph 7 may be accepted at the depot.
9. Leaf and yard waste accepted at the depot shall be removed within four days not including any weekday that is observed as a public holiday in the municipality where the site is located.
10. A schedule shall be prepared providing for the regular clean-up of litter at the depot and for the regular removal of waste received at the depot. The schedule shall provide for the clean-up of litter at least once a week. Litter shall be cleaned up and waste removed in accordance with the schedule. The schedule shall be adjusted from time to time as circumstances warrant.
11. Reasonable care shall be taken to control the following and to control anything similar to them: dust, litter, odour, noise, rodents or other animals and insects.

19. A municipal waste recycling depot is exempt from sections 9, 27, 40 and 41 of the Act if all buildings and storage areas that are part of the depot are at least fifty metres from the boundaries of the parcel of land upon which the buildings and storage areas are located.

PART IV

MUNICIPAL WASTE RECYCLING SITES

20.-(1) This Part applies to a waste disposal site whose only function is to be used to accept waste that consists solely of waste from one or more of the categories set out in Schedule 1 or 2 and that has been separated from other kinds of waste and to transfer the waste, either after processing or without processing, for recycling.

(2) This Part does not apply to a site where a process, other than any of the following, is used: sorting, grading, sizing, cleaning, drying, de-inking, size reduction, pulping, pelletizing, composting, baling or packaging.

(3) This Part does not apply to a municipal waste recycling depot as defined in Part III.

21. In this Part, "municipal waste recycling site" means a waste disposal site to which this Part applies.

22. Each operator and owner of a municipal waste recycling site shall ensure that the site is operated in accordance with the following requirements:

1. No waste may be accepted at the site unless it is waste that consists solely of waste from one or more of the categories set out in Schedule 1 or 2 and either,
 - i. the waste has been separated from other kinds of waste at the source of the waste, or
 - ii. the waste comes from a waste disposal site.
2. If waste is processed at the site, the total amount, at the site, of the waste that is awaiting processing, is being processed or has been processed and the waste that is awaiting transportation without processing must not exceed 2,000 cubic metres or three times the monthly process design capacity of the site, whichever is greater.
3. If waste is not processed at the site, the total amount of waste at the site must not exceed 2,000 cubic metres.
4. The total amount of waste at the site awaiting processing must not exceed fifteen times the daily process design capacity.
5. If waste is processed at the site, the waste must be processed so that over any six month period the residues from the processing do not exceed 10 per cent of the weight of the waste that was processed. For the purposes of this paragraph weight shall be determined on a dry weight basis.
6. Residues from the processing of waste must be removed from the site promptly.
7. Waste or materials that result from the processing of waste may not be removed from the site except for direct shipment to,
 - i. a user of the waste or materials,

- ii. a distributor who distributes such waste or materials to users,
 - iii. another municipal waste recycling site, or
 - iv. a waste disposal site.
8. Reasonable care shall be taken to control the following and to control anything similar to them: dust, litter, odour, noise, rodents or other animals and insects.
9. Reasonable care shall be taken to ensure that unauthorized persons are kept out of any areas where waste is handled, processed or stored.
10. Signs must be posted in prominent locations at the site setting out the hours of operation of the site, the name of the owner of the site and the name and telephone number of a person to contact in an emergency.
11. Equipment at the site may not be operated by any employee who has not had training in the operation and maintenance of the equipment.
12. Employees at the site must be trained in emergency procedures.
13. All roads, parking areas, loading or unloading areas must be maintained in good condition.
14. The site shall not begin accepting waste unless at least ninety days before the acceptance of the first waste a notice is given to each of following,
- i. the clerk of every municipality within which the site or any part of it is located,
 - ii. the owner of every parcel of land within 120 metres of the site,
 - iii. the Director, and
 - iv. the local District Office of the Ministry.
15. The notice referred to in paragraph 14 must be on a form provided by the Ministry or in the same format as such a form and must set out,

- i. the name, address and telephone number of the owner of the site and of the operator of the site if they are different,
 - ii. the location of the site,
 - iii. the earliest date on which the site will begin to accept waste,
 - iv. the type of wastes that the site will be accepting,
 - v. the capacity of the site, and
 - vi. a description of how waste will be dealt with including a description of the processes that will be used.
16. No waste shall be accepted at the site before the date set out in the notice as the earliest date on which the site will begin to accept waste.
17. No waste shall be accepted at the site unless the first waste accepted at the site is accepted within 180 days after the notice is given to the Director.
18. None of the following may be changed at the site unless at least ninety days before the change, a notice is given to each of the persons described in subparagraphs i, ii, iii and iv of paragraph 14:
 - i. the type of wastes that the site accepts,
 - ii. the capacity of the site,
 - iii. how waste is dealt with including the processes used.
19. The notice referred to in paragraph 18 must be on a form provided by the Ministry or in the same format as such a form and must set out the information described in subparagraphs i, ii, iv, v, vi of paragraph 15.
20. Maps of the vicinity and a site plan shall be kept at the site. The maps and site plan shall show, on the appropriate map or plan, services, buildings, processing units, roads, loading and unloading areas and storage areas.
21. An operating plan shall be kept at the site. The plan shall include,

- i. descriptions of the processes and equipment used including descriptions of how waste will be stored and handled,
 - ii. information about the maximum amounts of waste that can be processed at the site,
 - iii. information about the amounts of the residues that are expected after processing that cannot be recycled or reused, and
 - iv. descriptions of the training planned for personnel.
22. Emergency response plans shall be kept at the site. There shall be emergency response plans addressing emergencies caused by fire, explosion, flood, spills, disruption of electrical service or anything else that might create an emergency situation at the site. Each plan shall include,
 - i. descriptions of the procedures to be used,
 - ii. information about the personnel who will be responsible,
 - iii. descriptions of the emergency equipment and emergency communications systems, and
 - iv. plans for notifying the appropriate governments and other persons and coordinating operations with them.
23. Contingency plans shall be kept at the site. There shall be contingency plans addressing disruptions of the removal of waste or anything else from the site.
24. A record shall be kept that includes information about,
 - i. the type, amount and sources of wastes accepted at the site,
 - ii. the processing that the wastes received, any significant problems that occurred during the processing and any actions that were taken in response to such problems,
 - iii. the types and amounts of wastes and materials transferred from the site, the purposes for which they were transferred and the names of

the persons to whom wastes and materials, other than compost, were transferred.

25. Information in the record required under paragraph 24 shall be retained in the record for at least two years after the event to which the information relates.
26. The record required under paragraph 24 shall be kept at the site unless,
 - i. the record is kept at another place in a municipality within which the site, or part of the site, is located, and the place is owned or controlled by the owner or operator of the site, and
 - ii. the place the record is kept is set out on the signs required to be posted under paragraph 10.
23. The following provisions do not apply with respect to leaf and yard waste composting sites as defined in Part V:
 1. Paragraphs 1 to 6 of section 22.
 2. Paragraphs 24 to 26 of section 22.
 3. Sections 24 and 25.

24.-(1) If a municipal waste recycling site is owned by or operated by or for a municipality, the municipality shall submit an annual report about the operation of the site to the Director on or before the 1st day of February in every year.

(2) The annual report must set out the name, address and telephone number of the operator of the site, the location of the site, the type and amount of wastes that were accepted in the previous calendar year, and the type and amount of wastes that were transferred in the previous calendar year.

25. A municipal waste recycling site is exempt from sections 27, 40 and 41 of the Act if all buildings and processing or storage areas that are part of the site are at least fifty metres from the boundaries of the parcel of land upon which the buildings and processing or storage areas are located.

PART V

LEAF AND YARD WASTE COMPOSTING SITES

26. This Part applies to a municipal waste recycling site whose only function is to be used to receive and compost leaf and yard waste.

27. In this Part, "leaf and yard waste composting site" means a waste disposal site to which this Part applies.

28. Each operator and owner of a leaf and yard waste composting site shall ensure that the site is operated in accordance with the following requirements:

1. Only leaf and yard waste and wood may be accepted at the site.
2. Leaf and yard waste may not be stored for more than four days before it is composted.
3. The total amount of compost on the site that is in or has completed the curing stage shall not exceed eighteen times the monthly process design capacity of the site.
4. The leaf and yard waste accepted at the site shall be composted so that the temperature inside the composting mass is at least 55 degrees Celsius,
 - i. on at least three different days if the waste is being composted in a vessel,
 - ii. on at least fifteen different days in any other case.
5. If the waste is being composted using turned windrow composting, the windrow shall be turned at least five times at regular intervals after the temperature first reaches 55 degrees Celsius and the temperature must reach at least 55 degrees Celsius after the fifth turning.
6. During composting, the composting mass shall be provided with ventilation adequate to ensure that aerobic conditions are maintained.
7. After the requirements in paragraphs 4 and 5 have been satisfied the compost shall be cured for a period of six months.
8. During curing, a composting mass shall be turned at least once a month.
9. The temperature of each composting mass shall be measured daily until the requirements in paragraphs

4 and 5 have been satisfied. During curing the temperature shall be measured weekly.

10. Temperatures shall be measured at a point one metre within the composting mass.
11. A record containing information about each composting mass shall be kept. The information shall include the temperatures of the mass and when they were measured, when the mass was turned, information about the curing process and details about any significant problems that occurred during the composting or curing. Information about a composting mass shall be retained in the record for at least three years after the mass was cured.
12. A plan for dealing with odour problems shall be prepared before waste is first accepted at the site and shall be updated as circumstances warrant. The plan shall include procedures, which shall be followed, for dealing with complaints from the public and for investigating and remedying odour problems.
13. A record of all complaints from members of the public about odours shall be kept together with a record of how each complaint was dealt with.
14. Compost that has been cured shall be sampled and analyzed for the things listed in Column 1 of Table 1 in accordance with paragraphs 15 and 16. Compost may not be removed from the site unless it is part of accumulated compost that has been so sampled and analyzed.
15. The first samples shall be taken before 10,000 cubic metres of compost has been accumulated, or before one year has passed, whichever first occurs after the first receipt of waste at the site. Thereafter samples shall be taken before an additional 10,000 cubic metres is accumulated, or before one year has passed, whichever occurs first after the most recent samples. However, if all the analyses in the two years preceding the most recent analysis are consistent with that analysis, samples need only be taken before 30,000 cubic metres is accumulated, or before one year has passed, whichever occurs first after the most recent samples.
16. Samples shall be taken by taking ten grab samples from diverse points within the accumulated compost.

Each grab sample must contain at least twenty litres of compost and must be taken from a point at least one metre inside the accumulated compost. The analysis shall be of a composite of those samples.

17. A record shall be kept of the analyses of compost. Any laboratory reports received shall be kept as part of the record. A record of an analysis shall be kept for at least three years after the analysis is performed.
18. Controlled compost, as defined in section 30, may not be removed from the site except for direct shipment to the intended user of the compost in accordance with paragraphs 19 and 20.
19. A record shall be kept of the name, address and telephone number of each person to whom controlled compost is shipped. The record shall be kept for at least ten years after the shipment.
20. The person to whom controlled compost is shipped shall be given a copy of a chemical analysis of the compost and a notice that states that the compost is controlled compost and that sets out the terms and conditions of the compost's exemption from Part V of the Act.
21. The notice referred to in paragraph 20 must be on a form provided by the Ministry or in the same format as such a form.

29. Compost produced at a leaf and yard waste composting site that has been analyzed in accordance with paragraphs 14 to 16 of section 28,

- (a) is designated as waste if, according to the analysis, the compost contains a substance in Column 1 of Table 1 in a concentration greater than the concentration opposite in Column 2; and
- (b) is exempt from Part V of the Act and the regulations relating to Part V of the Act, in any other case.

30.-(1) In this section, "controlled compost" means compost that is designated as waste under clause 29(a) and that, according to the analysis performed in accordance with paragraphs 14 to 16 of section 28, does not contain any substance in Column 1 of Table 1 in a concentration greater than the concentration opposite in Column 3.

(2) Controlled compost is exempt from Part V of the Act and the regulations on the following terms and conditions:

1. The controlled compost is not used except as allowed under paragraphs 2 and 3.
2. The controlled compost may be used as compost in soil if,
 - i. the place where the compost is used is within 200 metres of any part of a municipal water system or a municipal sewage system,
 - ii. the use of the compost will not increase the concentration in the soil of any material in Column 1 of Table 1 above the concentration, if any, opposite in Column 4, and
 - iii. the person who uses the compost keeps a record, for at least ten years after using the compost, of the date the compost was used, the amount of compost used and the chemical analysis of the compost received from the producer of the compost.
3. The controlled compost may be used as a cover material at a landfilling site.

31. A leaf and yard waste composting site is exempt from sections 9, 27, 40 and 41 of the Act if all buildings and processing or storage areas that are part of the site are at least 100 metres from the boundaries of the parcel of land upon which the buildings and processing or storage areas are located and from any lake, river, pond, stream, reservoir, spring or well.

TABLE 1

TABLE FOR DETERMINING HOW COMPOST
CONTAINING CERTAIN MATERIALS CAN BE USED

Item	Column 1	Column 2	Column 3	Column 4
	Material	Maximum concentration for regular compost (dry weight)	Maximum concentration for controlled compost (dry weight)	Maximum concentration in soil resulting from use of controlled compost (dry weight)
1.	Arsenic	10 ppm	20 ppm	14 ppm
2.	Cadmium	3 ppm	4 ppm	1.6 ppm
3.	Chromium	50 ppm	50 ppm	120 ppm
4.	Cobalt	25 ppm	25 ppm	20 ppm
5.	Copper	60 ppm	100 ppm	100 ppm
6.	Lead	150 ppm	500 ppm	60 ppm
7.	Mercury	0.15 ppm	0.5 ppm	0.5 ppm
8.	Molybdenum	2 ppm	3 ppm	4 ppm
9.	Nickel	60 ppm	60 ppm	32 ppm
10.	Selenium	2 ppm	2 ppm	1.6 ppm
11.	Zinc	500 ppm	500 ppm	220 ppm
12.	Plastic which will not fit through a size 8 mesh	1%	1%	not applicable
13.	Non-biodegradable material (other than plastic) that will not fit though a size 8 mesh	2%	2%	not applicable

Schedule 1

BLUE BOX WASTE

PART I

Basic blue box waste

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Glass bottles and jars for food or beverages.
3. Newsprint.
4. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
5. Steel food or beverage cans (including cans made primarily of steel).

PART II

Supplementary blue box waste

1. Aluminum foil (including items made from aluminum foil).
2. Boxboard and paperboard.
3. Cardboard (corrugated).
4. Expanded polystyrene food or beverage containers and packing materials.
5. Fine paper.
6. Magazines.
7. Paper cups and plates.
8. Plastic film being,
 - i. low density polyethylene grocery bags or bags used for food or beverages, and
 - ii. low density polyethylene used for wrapping products.

9. Rigid plastic containers being,
 - i. high density polyethylene bottles used for food, beverages, toiletries or household cleaners (including bottles made primarily of high density polyethylene), and
 - ii. polystyrene containers used for food or beverages (including containers made primarily of polystyrene).
10. Telephone directories.
11. Textiles (not including fibreglass or carpet).

Schedule 2

RECYCLABLE WASTE OTHER THAN BLUE BOX WASTE

1. Brick.
2. Concrete.
3. Glass.
4. Gypsum.
5. Leather.
6. Leaf and yard waste.
7. Metal.
8. Paper (including products made from paper).
9. Plastic.
10. Textiles.
11. Wood.

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MS-3

REGULATION MADE UNDER THE ENVIRONMENTAL PROTECTION ACT

WASTE AUDITS AND WASTE REDUCTION WORK PLANS

PART I

GENERAL

1. In this Regulation,

"waste" means municipal waste as defined in Regulation 347 of Revised Regulations of Ontario, 1990;

"waste audit" means a study relating to waste;

"waste reduction work plan" means a plan to reduce, reuse and recycle waste.

2. A waste audit required under this Regulation shall address,

(a) the amount, nature and composition of the waste;

(b) the manner by which the waste gets produced, including management decisions and policies that relate to the production of waste; and

(c) the way in which the waste is managed.

3. A waste reduction work plan required under this Regulation shall include, to the extent that is reasonable, plans to reduce, reuse and recycle waste and shall set out who will implement each part of the plan, when each part will be implemented and what the expected results are.

4. A person who is required under this Regulation to prepare a report of a waste audit or a waste reduction work plan shall prepare it on a form provided by the Ministry or in the same format as such a form.

5. A person who is required under this Regulation to prepare a report of a waste audit or a waste reduction work plan shall

retain a copy of the report or plan for at least five years after it was prepared.

6.-(1) A person who becomes subject to an obligation under this Regulation to prepare a report of a waste audit or a waste reduction work plan shall do so within six months of becoming subject to the obligation.

(2) This section does not apply with respect to updated reports or plans.

(3) This section does not apply with respect to obligations of a builder under Part IV or a demolisher under Part V.

7.-(1) A new owner or operator to whom this Regulation applies is not required to conduct a new waste audit or prepare a new waste reduction work plan if an audit or work plan was conducted or prepared by a previous owner or operator and the new owner or operator updates the audit and work plan as required under this Regulation.

(2) This section does not apply with respect to a builder under Part IV or a demolisher under Part V.

8.-(1) A person who has an obligation to conduct a waste audit and prepare a report under Part II, III, VI, VII, VIII, IX, X or XI in respect of more than one retail shopping establishment, retail shopping complex, building, restaurant, hotel or motel, hospital, location or campus of an educational institution, or site of a manufacturing establishment, may conduct a single audit and prepare a single report for two or more of them if it is reasonable to expect that separate audits would have similar findings.

(2) Subsection (1) applies with necessary modifications with respect to updates of waste audits and reports.

PART II

RETAIL SHOPPING ESTABLISHMENTS

9. This Part applies to the owner of an establishment that sells goods or services at retail to persons who come to the establishment if,

- (a) the establishment occupies premises with a floor area of at least 10,000 square metres; or
- (b) the establishment occupies premises in a complex in respect of which Part III applies and the owner of

the establishment is solely responsible for the establishment's waste management.

10.-(1) The owner shall conduct a waste audit covering the waste generated by the operation of the establishment. The audit shall also address the extent to which materials or products used or sold consist of recycled or reused materials or products.

(2) After conducting the waste audit the owner shall prepare a written report of the audit.

(3) In every year following the conducting of the initial waste audit the owner shall update the audit and prepare an updated written report.

11.-(1) The owner shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated by the operation of the establishment.

(2) In every year following the initial preparation of a waste reduction work plan the owner shall prepare an updated written plan.

12. The owner shall implement the waste reduction work plan as updated.

13. The waste reduction work plan shall include measures for communicating the plan to the owner's employees who work at the establishment's premises and, as a minimum, those measures shall require,

(a) that the plan or a summary be posted in places where most employees will see it; and

(b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART III

RETAIL SHOPPING COMPLEXES

14. This Part applies to the owner of a complex that contains premises occupied by establishments that sell goods or services at retail to persons who come to the establishments if the total floor area of such premises is at least 10,000 square metres.

15.-(1) The owner shall conduct a waste audit covering waste generated at the complex other than the waste generated at premises for which the owner is not responsible, either directly or indirectly, for waste management. The audit shall also

address the extent to which materials or products used by the owner consist of recycled or reused materials or products.

(2) The waste audit need not cover the waste generated in the operation of an establishment in the complex if Part II applies to the owner of the establishment.

(3) After conducting the waste audit the owner shall prepare a written report of the audit.

(4) In every year following the initial waste audit the owner shall update the audit and prepare an updated written report.

16.-(1) The owner shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated at the complex other than the waste generated at premises for which the owner is not responsible, either directly or indirectly, for waste management.

(2) The waste reduction work plan need not cover the waste generated in the operation of an establishment in the complex if Part II applies to the owner of the establishment.

(3) In every year following the initial preparation of the waste reduction work plan the owner shall prepare an updated written plan.

17. The owner shall implement the waste reduction work plan as updated.

18. The waste reduction work plan shall include measures for communicating the plan to the owner's employees who work at the complex and to the occupiers of premises in the complex and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees and occupiers will see it; and
- (b) if a summary is posted, that any employee or occupier who requests to look at the plan be allowed to do so.

PART IV

LARGE CONSTRUCTION PROJECTS

19.-(1) This Part applies to a person who undertakes, on their own behalf or on behalf of another person, a construction project consisting of the construction of one or more buildings with a total floor area of at least 2,000 square metres.

(2) In this Part, "builder" means a person described in subsection (1).

20.-(1) The builder shall conduct a waste audit covering the waste that will be generated in the construction project. The audit shall also address the extent to which materials or products used consist of recycled or reused materials or products.

(2) After conducting the waste audit the builder shall prepare a written report of the audit.

21. The builder shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated in the construction project.

22. The builder shall implement the waste reduction work plan.

23. The waste reduction work plan shall include measures for communicating the plan to the workers at the construction site and, as a minimum, those measures shall require,

(a) that the plan or a summary be posted at the construction site in a place where most of the workers will see it; and

(b) if a summary is posted, that any worker who requests to look at the plan be allowed to do so.

24.-(1) The report of the waste audit and the waste reduction work plan required under this Part shall be prepared before construction work begins at the site.

(2) If construction work has begun at the site before this regulation comes into force, the following transitional rules apply with respect to the waste audit, the report and the plan:

1. The report and plan shall be prepared within six months after this regulation comes into force.
2. The report and plan need not be prepared if all work is finished within six months after this regulation comes into force.
3. The waste audit need not cover any waste generated within six months after this regulation comes into force.
4. The plan need not address any waste generated within six months after this regulation comes into force.

PART V

LARGE DEMOLITION PROJECTS

25.-(1) This Part applies to a person who undertakes, on their own behalf or on behalf of another person, a demolition project consisting of the demolition of one or more buildings with a total floor area of at least 2,000 square metres.

(2) In this Part, "demolisher" means a person described in subsection (1).

26.-(1) The demolisher shall conduct a waste audit covering the waste that will be generated in the demolition project.

(2) After conducting the waste audit the demolisher shall prepare a written report of the audit.

27. The demolisher shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated in the demolition project.

28. The demolisher shall implement the waste reduction work plan.

29. The waste reduction work plan shall include measures for communicating the plan to the workers at the demolition site and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted at the demolition site in a place where most of the workers will see it; and
- (b) if a summary is posted, that any worker who requests to look at the plan be allowed to do so.

30.-(1) The report of the waste audit and the waste reduction work plan required under this Part shall be prepared before demolition work begins at the site.

(2) If demolition work has begun at the site before this regulation comes into force, the following transitional rules apply with respect to the waste audit, the report and the plan:

1. The report and plan shall be prepared within six months after this regulation comes into force.
2. The report and plan need not be prepared if all work is finished within six months after this regulation comes into force.

3. The waste audit need not cover any waste generated within six months after this regulation comes into force.
4. The plan need not address any waste generated within six months after this regulation comes into force.

PART VI

OFFICE BUILDINGS

31. This Part applies to the owner of a building that has at least 10,000 square metres of floor area for use as offices.

32.-(1) The owner shall conduct a waste audit covering the waste generated at the building. The audit shall also address the extent to which materials or products used by the owner consist of recycled or reused materials or products.

(2) After conducting the waste audit the owner shall prepare a written report of the audit.

(3) In every year following the initial waste audit the owner shall update the audit and prepare an updated written report.

33.-(1) The owner shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated at the building.

(2) In every year following the initial preparation of the waste reduction work plan the owner shall prepare an updated written plan.

34. The owner shall implement the waste reduction work plan as updated.

35. The waste reduction work plan shall include measures for communicating the plan to the owner's employees who work at the building and to any persons who occupy premises in the building as tenants of the owner and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees and tenants will see it; and
- (b) if a summary is posted, that any employee or tenant who requests to look at the plan be allowed to do so.

PART VII

RESTAURANTS

36.-(1) This Part applies to the owner of a restaurant, including a take out restaurant, that employs ten or more full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

(2) This Part does not apply with respect to a restaurant that occupies premises in any of the places set out in subsection (3) if the owner of the restaurant co-operates in the conducting of the waste audit and the preparation of the waste reduction work plan required under this Regulation for the place set out in subsection (3).

(3) The places referred to in subsection (2) are,

(a) a complex in respect of which Part III applies;

(b) a building in respect of which Part VI applies;

(c) a hotel or motel in respect of which Part VIII applies;

(d) a hospital in respect of which Part IX applies;

(e) a location or campus of an educational institution in respect of which Part X applies.

(4) This Part continues to apply in respect of a restaurant for the two years following the last calendar year in which, at any time, the restaurant employed ten or more full-time employees, or the equivalent in part-time employees or a combination of both full-time and part-time employees.

37.-(1) The owner shall conduct a waste audit covering waste generated by the operation of the restaurant. The audit shall also address the extent to which materials or products used consist of recycled or reused materials or products.

(2) After conducting the waste audit the owner shall prepare a written report of the audit.

(3) In every year following the initial waste audit the owner shall update the audit and prepare an updated written report.

38.-(1) The owner shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated by the operation of the restaurant.

(2) In every year following the initial preparation of the waste reduction work plan the owner shall prepare an updated written plan.

39. The owner shall implement the waste reduction work plan as updated.

40. The waste reduction work plan shall include measures for communicating the plan to the owner's employees who work at the restaurant and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees will see it; and
- (b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART VIII

HOTELS AND MOTELS

41. This Part applies to the owner of a hotel or motel that has more than 75 units.

42.- (1) The owner shall conduct a waste audit covering waste generated by the operation of the hotel or motel. The audit shall also address the extent to which materials or products used consist of recycled or reused materials or products.

(2) After conducting the waste audit the owner shall prepare a written report of the audit.

(3) In every year following the initial waste audit the owner shall update the audit and prepare an updated written report.

43.- (1) The owner shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated by the operation of the hotel or motel.

(2) In every year following the initial preparation of the waste reduction work plan the owner shall prepare an updated written plan.

44. The owner shall implement the waste reduction work plan as updated.

45. The waste reduction work plan shall include measures for communicating the plan to the owner's employees who work at the hotel or motel and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees will see it; and
- (b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART IX

HOSPITALS

46. This Part applies to the operator of a public hospital classified as a class A, B or F hospital in Regulation 964 of the Revised Regulations of Ontario, 1990.

47.-(1) The operator shall conduct a waste audit covering the waste generated by the operation of the hospital. The audit shall also address the extent to which materials or products used consist of recycled or reused materials or products.

(2) After conducting the waste audit the operator shall prepare a written report of the audit.

(3) In every year following the initial waste audit the operator shall update the audit and prepare an updated written report.

48.-(1) The operator shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated by the operation of the hospital.

(2) In every year following the initial preparation of the waste reduction work plan the operator shall prepare an updated written plan.

49. The operator shall implement the waste reduction work plan as updated.

50. The waste reduction work plan shall include measures for communicating the plan to the operator's employees who work at the hospital and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees will see it; and
- (b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART X.

EDUCATIONAL INSTITUTIONS

51.-(1) This Part applies to the operator of an educational institution in respect of a location or campus of the institution if, at the location or campus, at any time during the calendar year, more than 350 persons are enrolled.

(2) This Part continues to apply in respect of a location or campus for the two calendar years following the last year in which more than 350 persons were enrolled at the location or campus.

52.-(1) The operator shall conduct a waste audit covering the waste generated by the operation of the institution at the location or campus. The audit shall also address the extent to which materials or products used consist of recycled or reused materials or products.

(2) After conducting the waste audit the operator shall prepare a written report of the audit.

(3) In every year following the initial waste audit, the operator shall update the audit and prepare an updated written report.

53.-(1) The operator shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated by the operation of the institution at the location or campus.

(2) In every year following the initial preparation of the waste reduction work plan the operator shall prepare an updated written plan.

54. The operator shall implement the waste reduction work plan as updated.

55. The waste reduction work plan shall include measures for communicating the plan to the operator's employees who work at the location or campus and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees will see it; and
- (b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART XI

LARGE MANUFACTURING ESTABLISHMENTS

56.--(1) This Part applies to the owner of a manufacturing establishment in respect of a site where there are more than 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

(2) This Part continues to apply in respect of a site for the two years following the last calendar year in which, at any time at the site, there were more than 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

57.--(1) The owner shall conduct a waste audit covering the waste generated by the operation of the establishment at the site. The audit shall also address the extent to which materials or products used or sold consist of recycled or reused materials or products.

(2) After conducting the waste audit the owner shall prepare a written report of the audit.

(3) In every year following the conducting of the initial waste audit the owner shall update the audit and prepare an updated written report.

58.--(1) The owner shall prepare a written waste reduction work plan, based on the waste audit, to reduce, reuse and recycle waste generated by the operation of the establishment.

(2) In every year following the initial preparation of a waste reduction work plan the owner shall prepare an updated written plan.

59. The owner shall implement the waste reduction work plan as updated.

60. The waste reduction work plan shall include measures for communicating the plan to the owner's employees who work at the site and, as a minimum, those measures shall require,

(a) that the plan or a summary be posted in places where most employees will see it; and

(b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

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REGULATION MADE UNDER THE ENVIRONMENTAL PROTECTION ACT

INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL SOURCE SEPARATION PROGRAMS

Source separation programs

1. In this Regulation, "source separation program" means a program to facilitate the source separation of waste for reuse or recycling.

2.-(1) A source separation program required under this Regulation must include,

- (a) the provision of facilities for the collection, handling and storage of source separated wastes described in subsection (2) adequate for the quantities of anticipated wastes;
- (b) measures to ensure that the source separated wastes that are collected are removed;
- (c) the provision of information to users and potential users of the program,
 - (i) describing the performance of the program,
 - (ii) encouraging effective source separation of waste and full use of the program;
- (d) reasonable efforts to ensure that full use is made of the program and that the separated waste is reused or recycled.

(2) The source separated waste referred to in clause (1)(a) is waste that has been source separated from other kinds of waste and that consists solely of waste from one or more of the following categories:

1. The categories of waste set out in the part of the Schedule applicable to the person required to implement the source separation program.

2. The categories of waste set out in Schedule 1 or 2 of Ontario Regulation .../93 that the source separation program accepts.

(3) A source separation program required under this Regulation must provide for all the categories of waste set out in the part of the Schedule applicable to the person required to implement the program except for categories of waste that cannot be reasonably anticipated.

3. Source separation programs required by this Regulation are exempt from sections 27, 40 and 41 of the Act.

4.-(1) A source separation program that is not required by this Regulation is exempt from sections 27, 40 and 41 of the Act if,

- (a) the program is restricted to waste generated at a single site;
- (b) the program only accepts waste that has been source separated from other kinds of waste and that consists solely of waste from one or more of the categories of waste set out in Schedule 1 or 2 of Ontario Regulation .../93;
- (c) the program includes everything set out in subsection 2(1).

(2) For the purposes of clause (1)(c), the reference to source separated waste in clause 2(1)(a) shall be deemed to be a reference to the waste described in clause (1)(b).

Retail shopping establishments

5.-(1) This section applies to the owner of an establishment that sells goods or services at retail to persons who come to the establishment if,

- (a) the establishment occupies premises with a floor area of at least 10,000 square metres; or
- (b) the establishment occupies premises in a complex in respect of which section 6 applies and the owner of the establishment is solely responsible for the establishment's waste management.

(2) The owner shall implement a source separation program for the wastes generated by the establishment or shall ensure that such a program is implemented.

Retail shopping complexes

6.-(1) This section applies to the owner of a complex that contains premises occupied by establishments that sell goods or services at retail to persons who come to the establishments if the total floor area of such premises is at least 10,000 square metres.

(2) The owner shall implement a source separation program for the wastes generated at the complex or shall ensure that such a program is implemented.

(3) The source separation program need not provide for the waste generated in the operation of an establishment in the complex if section 5 applies to the owner of the establishment.

Large construction projects

7.-(1) A person who undertakes, on their own behalf or on behalf of another person, a construction project consisting of the construction of one or more buildings with a total floor area of at least 2,000 square metres shall implement a source separation program for the waste that will be generated in the construction of the structure or shall ensure that such a program is implemented.

(2) The source separation program shall be implemented before construction work begins at the site.

Large demolition projects

8.-(1) A person who undertakes, on their own behalf or on behalf of another person, a demolition project consisting of the demolition of one or more buildings with a total floor area of at least 2,000 square metres shall implement a source separation program for the waste that will be generated in the demolition of the structure or shall ensure that such a program is implemented.

(2) The source separation program shall be implemented before demolition work begins at the site.

Office buildings

9. The owner of a building that has at least 10,000 square metres of floor area for use as offices shall implement a source separation program for the waste generated at the building or shall ensure that such a program is implemented.

Multi-unit residential buildings

10. The owner of a building that contains six or more dwelling units shall implement a source separation program for the waste generated at the building.

Restaurants

11.-(1) This section applies to the owner of a restaurant, including a take out restaurant, that employs ten or more full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

(2) The owner shall implement a source separation program for the waste generated by the operation of the restaurant or ensure that such a program is implemented.

(3) This section does not apply with respect to a restaurant that occupies premises in,

- (a) a complex in respect of which section 6 applies;
- (b) a building in respect of which section 9 applies;
- (c) a hotel or motel in respect of which section 12 applies;
- (d) a hospital in respect of which section 13 applies;
- (e) a location or campus of an educational institution in respect of which section 14 applies.

(4) This section continues to apply in respect of a restaurant for the two years following the last calendar year in which, at any time, the restaurant employed ten or more full-time employees, or the equivalent in part-time employees or a combination of both full-time and part-time employees.

Hotels and motels

12. The owner of a hotel or motel that has more than 75 units shall implement a source separation program for the wastes generated by the operation of the hotel or motel or shall ensure that such a program is implemented.

Hospitals

13. The operator of a public hospital classified as a class A, B or F hospital in Regulation 964 of the Revised Regulations

of Ontario, 1990 shall implement a source separation program for the wastes generated by the operation of the hospital or shall ensure that such a program is implemented.

Educational institutions

14.- (1) This section applies to the operator of an educational institution in respect of a location or campus of the institution if, at the location or campus, at any time during the calendar year, more than 350 persons are enrolled.

(2) The operator shall implement a source separation program for the waste generated by the operation of the institution at the location or campus or shall ensure that such a program is implemented.

(3) This section continues to apply in respect of a location or campus for the two calendar years following the last year in which more than 350 persons were enrolled at the location or campus.

Large manufacturing establishments

15.- (1) This section applies to the owner of a manufacturing establishment in respect of a site where there are more than 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

(2) The owner shall implement a source separation program for the waste generated by the operation of the establishment at the site or shall ensure that such a program is implemented.

(3) This section continues to apply in respect of a site for the two calendar years following the last year in which, at the site, there were more than 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

Transition

16. A person who, upon the coming into force of this Regulation, becomes subject to an obligation with respect to the implementation of a source separation program shall fulfil the obligation within twelve months after the coming into force of this Regulation.

Schedule

WASTES TO BE PROVIDED FOR IN SOURCE SEPARATION PROGRAMS

PART I

Retail shopping establishments (referred to in section 5)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART II

Retail shopping complexes (referred to in section 6)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART III

Large construction projects (referred to in section 7)

1. Brick.

2. Cardboard (corrugated).
3. Concrete (Portland cement concrete).
4. Drywall (unpainted).
5. Steel.
6. Wood (not including painted or treated wood or laminated wood).

PART IV

Large demolition projects
(referred to in section 8)

1. Brick.
2. Concrete (Portland cement concrete).
3. Steel.
4. Wood (not including painted or treated wood or laminated wood).

PART V

Office buildings
(referred to in section 9)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART VI

Multi-unit residential buildings
(referred to in section 10)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Glass bottles and jars for food or beverages.
3. Newsprint.
4. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
5. Steel food or beverage cans (including cans made primarily of steel).
6. The categories of waste that are collected or accepted by the blue box waste management system, if any, of the municipality where the building is located.

PART VII

Restaurants
(referred to in section 11)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
7. Steel food or beverage cans (including cans made primarily of steel).

PART VIII

Hotels and motels
(referred to in section 12)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
7. Steel food or beverage cans (including cans made primarily of steel).

PART IX

Hospitals
(referred to in section 13)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART X

Educational institutions
(referred to in section 14)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).

2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART XI

Large manufacturing establishments (referred to in section 15)

1. Aluminum.
2. Cardboard (corrugated).
3. Fine paper.
4. Glass.
5. Newsprint.
6. Polyethylene (high density) jugs, pails, crates, totes and drums.
7. Polyethylene (low density) film.
8. Polystyrene (expanded) foam.
9. Polystyrene trays, reels and spools.
10. Steel.
11. Wood (not including painted or treated wood or laminated wood).

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REGULATION MADE UNDER THE ENVIRONMENTAL PROTECTION ACT

PACKAGING AUDITS AND PACKAGING REDUCTION WORK PLANS

PART I

GENERAL

1. In this Regulation,

"packaging audit" means an examination of the impact of packaging on waste management needs, activities and opportunities;

"packaging reduction work plan" means a waste management plan to reduce the amount of waste resulting from packaging;

"waste" means municipal waste as defined in Regulation 347 of the Revised Regulations of Ontario, 1990.

2. A packaging audit required under this Regulation shall include examinations of,

- (a) the type and amount of the packaging;
- (b) the extent to which the packaging consists of reused or recycled materials;
- (c) the management decisions and policies that relate to packaging including decisions and policies that relate to product design that affect packaging;
- (d) the reusability and recyclability of the packaging after use; and
- (e) the impacts of packaging that becomes waste including the final destination of the packaging after use.

3.-(1) A packaging reduction work plan required under this Regulation shall include, to the extent that is reasonable, plans,

- (a) to reduce the amount of packaging used;
- (b) to increase the extent to which packaging consists of reused or recycled materials;
- (c) to increase the reusability and recyclability of the packaging after use; and
- (d) to reduce the impacts of packaging that becomes waste.

(2) A packaging reduction work plan required under this Regulation shall also set out who will implement each part of the plan, when each part will be implemented and what the expected results are.

4. A person who is required under this Regulation to prepare a report of a packaging audit or a packaging reduction work plan shall prepare it on a form provided by the Ministry or in the same format as such a form.

5.-(1) A person who becomes subject to an obligation under this Regulation to prepare a report of a packaging audit or a packaging reduction work plan shall do so within six months of becoming subject to the obligation.

(2) This section does not apply with respect to updated reports or plans.

6. A person who is required to prepare a report of a packaging audit or a packaging reduction work plan shall submit to the Director, on request, the most recent report and plan within seven days of the Director requesting them.

PART II

LARGE FOOD OR BEVERAGE MANUFACTURING ESTABLISHMENTS

7.-(1) This Part applies to the owner of an establishment that manufactures packaged food or beverage products.

(2) This Part applies in respect of sites where there are at least 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

(3) This Part continues to apply in respect of a site for the two years following the last calendar year in which, at any time at the site, there were at least 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

8.-(1) The owner shall conduct a packaging audit covering the packaging of the products manufactured at the site.

(2) After conducting the packaging audit the owner shall prepare a written report of the audit.

(3) Within every two year period after the conducting of the initial packaging audit the owner shall update the audit and prepare an updated written report.

9.-(1) The owner shall prepare a written packaging reduction work plan, based on the packaging audit, relating to the packaging of the products manufactured at the site.

(2) Within every two year period after the conducting of the initial packaging reduction work plan the owner shall prepare an updated written plan.

10.-(1) If the manufacturer manufactures, under a licence or other contractual arrangement with the person controlling a brand name, a product identified by the brand name, the manufacturer shall, in preparing the packaging reduction work plan, seek the co-operation of the person in relation to the matters set out in subsection 3(1).

(2) The packaging reduction work plan shall set out,

(a) the names of the persons from whom the manufacturer sought co-operation as required under subsection (1); and

(b) a description of the co-operation the manufacturer obtained from each person.

11. The owner shall implement the packaging reduction work plan as updated.

12. The packaging reduction work plan shall include measures for communicating the plan to the owner's employees who work at the site and, as a minimum, those measures shall require,

(a) that the plan or a summary be posted in places where most employees will see it; and

(b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART III

PAPER MANUFACTURING ESTABLISHMENTS

13.-(1) This Part applies to the owner of an establishment that manufactures packaged products made primarily of paper or wood fibre including packaged paper but not including printed materials.

(2) This Part applies in respect of sites where there are at least 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

(3) This Part continues to apply in respect of a site for the two years following the last calendar year in which, at any time at the site, there were at least 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

14.-(1) The owner shall conduct a packaging audit covering the packaging of the products manufactured at the site.

(2) After conducting the packaging audit the owner shall prepare a written report of the audit.

(3) Within every two year period after the conducting of the initial packaging audit the owner shall update the audit and prepare an updated written report.

15.-(1) The owner shall prepare a written packaging reduction work plan, based on the packaging audit, relating to the packaging of the products manufactured at the site.

(2) Within every two year period after the conducting of the initial packaging reduction work plan the owner shall prepare an updated written plan.

16.-(1) If the manufacturer manufactures, under a licence or other contractual arrangement with the person controlling a brand name, a product identified by the brand name, the manufacturer shall, in preparing the packaging reduction work plan, seek the co-operation of the person in relation to the matters set out in subsection 3(1).

(2) The packaging reduction work plan shall set out,

- (a) the names of the persons from whom the manufacturer sought co-operation as required under subsection (1); and

- (b) a description of the co-operation the manufacturer obtained from each person.

17. The owner shall implement the packaging reduction work plan as updated.

18. The packaging reduction work plan shall include measures for communicating the plan to the owner's employees who work at the site and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees will see it; and
- (b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART IV

CHEMICAL MANUFACTURING ESTABLISHMENTS

19.-(1) This Part applies to the owner of an establishment that manufactures packaged chemical products including packaged chemicals.

(2) This Part applies in respect of sites where there are at least 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

(3) This Part continues to apply in respect of a site for the two years following the last calendar year in which, at any time at the site, there were at least 100 full-time employees or the equivalent in part-time employees or a combination of both full-time and part-time employees.

20.-(1) The owner shall conduct a packaging audit covering the packaging of the products manufactured at the site.

(2) After conducting the packaging audit the owner shall prepare a written report of the audit.

(3) Within every two year period after the conducting of the initial packaging audit the owner shall update the audit and prepare an updated written report.

21.-(1) The owner shall prepare a written packaging reduction work plan, based on the packaging audit, relating to the packaging of the products manufactured at the site.

(2) Within every two year period after the conducting of the initial packaging reduction work plan the owner shall prepare an updated written plan.

22.-(1) If the manufacturer manufactures, under a licence or other contractual arrangement with the person controlling a brand name, a product identified by the brand name, the manufacturer shall, in preparing the packaging reduction work plan, seek the co-operation of the person in relation to the matters set out in subsection 3(1).

(2) The packaging reduction work plan shall set out,

- (a) the names of the persons from whom the manufacturer sought co-operation as required under subsection (1); and
- (b) a description of the co-operation the manufacturer obtained from each person.

23. The owner shall implement the packaging reduction work plan as updated.

24. The packaging reduction work plan shall include measures for communicating the plan to the owner's employees who work at the site and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees will see it; and
- (b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

PART V

IMPORTERS

25.-(1) This Part applies to a person who imports a category of packaged products set out in subsection (2) into Ontario and sells the products in Ontario if the cost, to the person, of such products sold in the previous calendar year was at least \$20,000,000.

(2) The categories of packaged products referred to in subsection (1) are the following:

- 1. Packaged food or beverage products.
- 2. Packaged products made primarily of paper or wood fibre including packaged paper but not including printed materials.

3. Packaged chemical products including packaged chemicals.

(3) This Part continues to apply in respect of an importer for the three years following the last calendar year in which the cost of the products referred to in subsection (1) was at least \$20,000,000.

(4) In this Part, "importer" means a person described in subsection (1).

26.-(1) The importer shall conduct a packaging audit covering the packaging of the products referred to in subsection 25(1) that are imported and sold by the importer.

(2) After conducting the packaging audit the importer shall prepare a written report of the audit.

(3) Within every two year period after the conducting of the initial packaging audit the importer shall update the audit and prepare an updated written report.

27.-(1) The importer shall prepare a written packaging reduction work plan, based on the packaging audit, relating to the packaging of the products in the categories referred to in subsection (1) imported and sold by the importer.

(2) Within every two year period after the conducting of the initial packaging reduction work plan the importer shall prepare an updated written plan.

28.-(1) In preparing the packaging reduction work plan, the importer shall,

- (a) consider changing the importer's buying policies; and
- (b) seek the co-operation, in relation to the matters set out in subsection 3(1), of the persons from whom the importer buys products.

(2) The packaging reduction work plan shall set out,

- (a) the names of the persons from whom the importer sought co-operation as required under subsection (1); and
- (b) a description of the co-operation the importer obtained from each person.

29. The importer shall implement the packaging reduction work plan as updated.

30. The packaging reduction work plan shall include measures for communicating the plan to the importer's employees and, as a minimum, those measures shall require,

- (a) that the plan or a summary be posted in places where most employees will see it; and
- (b) if a summary is posted, that any employee who requests to look at the plan be allowed to do so.

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MS-2

REGULATION TO AMEND
REGULATION 347 OF THE REVISED REGULATIONS OF ONTARIO, 1990
MADE UNDER THE
ENVIRONMENTAL PROTECTION ACT

1.--(1) The definitions of "municipal waste management system", "private waste management system" and "recyclable material" in section 1 of Regulation 347 of Revised Regulation of Ontario, 1990 are revoked.

(2) The definition of "waste generation facility" in section 1 of the Regulation is amended by striking out "subject waste" in the last line and substituting "waste".

2. Paragraph 4 of section 2 of the Regulation, as remade by section 2 of Ontario Regulation 555/92, is revoked and the following substituted:

4. Material that consists solely of waste from one or more of the categories set out in Schedule 1 or 2 of Ontario Regulation .../93 and that either,
 - i. has been separated from other kinds of waste at the source of the material, or
 - ii. comes from a waste disposal site.

3.--(1) Paragraph 7 of section 3 of the Regulation is revoked and the following substituted:

7. Material set out in subsection (2).

(2) Section 3 of the Regulation is amended by adding the following subsection:

(2) The material referred to in paragraph 7 of subsection (1) is any of the following:

1. Municipal waste, hazardous waste or liquid industrial waste, other than used or shredded or chipped tires, transferred by a generator for direct transportation to a site,

- i. to be wholly used at the site in an ongoing agricultural, commercial, manufacturing or industrial process or operation used principally for functions other than waste management if the process or operation does not involve combustion or land application of the waste,
- ii. to be promptly packaged for retail sale to meet a realistic market demand, or
- iii. to be offered for retail sale to meet a realistic market demand.

2. Municipal waste, consisting solely of waste from a single category of waste set out in Schedule 1 or 2 of Ontario Regulation .../93, transferred by a generator for direct transportation to,

- i. a waste disposal site that, but for the exemption in section 5 of Ontario Regulation .../93, would be a municipal waste recycling site to which Part IV of that Regulation applies and that is located at a manufacturing establishment that uses all the output, other than residues, of the site, or
- ii. a site for use at the site in an ongoing agricultural, commercial, manufacturing or industrial process or operation used principally for functions other than waste management if the process or operation does not involve combustion or land application of the waste.

4. Section 4 of the Regulation, as amended by section 3 of Ontario Regulation 555/92, is revoked.

5. Section 7 of the Regulation is revoked.

6. Subsection 8(2) of the Regulation is amended by striking out "subject waste" in the last two lines and substituting "waste".

7. Subsection 18(1) of the Regulation is revoked and the following substituted:

(1) Every generator who operates a waste generation facility that is involved in the production, collection, handling or storage of subject waste shall submit an initial Generator Registration Report in Form 2 to the Director in respect of the

waste generation facility and each subject waste the generator produces, collects, handles or stores or is likely to produce, collect, handle or store.



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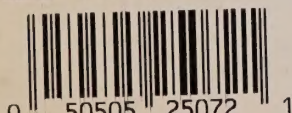
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